



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

February 9, 2005

Landon Placey
843 Bear Rock Rd
Stewartstown, NH 03576

LETTER OF DEFICIENCY #WELL - 05-003

Subject: Well Constructed for L & L Riverside Inn, Stewartstown, NH

Dear Mr. Placey:

The New Hampshire Department of Environmental Services ("DES") conducted an on-site inspection on December 9, 2004, of the dug well constructed at the L & L Riverside Inn ("Inn"), located at the intersection of Route 3 and Bishop Brook Road in the Town of Stewartstown. The inspection was conducted in response to several citizen complaints received by DES and the Water Well Board alleging that the on-site well was constructed by you as the owner of the property, and not by a licensed water well contractor. A review of the Board's records confirmed that you are not a licensed water well contractor in the State of New Hampshire.

RSA 482-B regulates water well contractors and pump installers and establishes the NH Water Well Board ("Board"). Pursuant to rulemaking authority conferred by RSA 482-B:4, the Board has adopted rules to implement this regulatory program (New Hampshire Administrative Rules We 100 to 1000 (*Water Well Rules*)). Under RSA 482-B:8 and :16, DES has concurrent authority with the Board to enforce RSA 482-B and the Water Well Rules.

RSA 482-B:5, I, requires a person to obtain a water well contractor license or a pump installer license from the Board prior to engaging in the business of constructing a well or installing a pump, respectively. Under RSA 482-B:12, a person may construct a well on their own land or leased property if the waters to be produced are not intended for use by the public or by any persons in any residence other than the person's own permanent residence.

On December 9, 2004 you stated to DES staff that you constructed the shallow dug well for the Inn with your excavator and with the help of Raymond Levine. You asserted that you thought that as the property owner, you could legally install the well. DES staff explained that under section 482-B:12, you could construct a well for your own private residence, however, the statutory exemption did not apply to the Inn because guests would be using the water.

You further explained that the Inn had 7 bedrooms upstairs and 2 bedrooms downstairs. One of the downstairs bedrooms was your own. Based on the number of bedrooms, the Inn is not presently classified a public water system. If additional bedrooms are added in the future, equaling 10 or more bedrooms, the system would be considered a transient, non-community, public water supply system and subject to the requirements of the state's public drinking water program. DES personnel also explained to you that the water supply for the campground

contemplated for a future date would be a public water supply system and that you would be required to obtain an approval from DES prior to constructing that facility.

DES staff noted the following deficiencies at the site:

1. The top of the well is approximately one foot above the finished ground surface. Section We 602.07(f)(1) of the Water Well Rules requires the casing to extend a minimum of 18 inches above the ground surface with additional height required in areas prone to flooding. The location of the well is near the confluence of the Connecticut River and Bishop Brook, which is an area that is prone to flooding.

2. The cement well cover is equipped with an access plug. Section We 602.07(f)(2) requires wells to have a secure cover which provides a seal to prevent the entrance contaminants into the well. These types of covers do not provide a seal.

Because the well was **not** constructed by a licensed water well contractor and the waters being supplied by the well will be consumed by guests of the Inn, the general public, DES believes the public health and safety can be protected if you take the following actions:

1. Obtain a water sample from the well **immediately, but no later than 14 days of receipt of this notice**, and have the sample analyzed for those parameters tested in the DES standard analysis;
2. Perform subsequent water quality testing by May 1, 2005, and again by August 1, 2005 to assure the safety of the water supply through the spring and summer;
3. **By May 1, 2005**, have the well and pump system inspected by a licensed NH water well contractor and licensed NH pump installer, respectively;
4. Correct any deficiencies identified in the inspection report(s), completed by the licensed water well contractor and licensed pump installer, within 30 days of the inspection; and
5. Provide DES with copies of the periodic water quality test results, and notify DES, in writing, when any necessary corrections have been completed along with a copy of the inspection report(s), and copies of receipts for work and materials.

Failure to respond to these suggested actions may result in the initiation of an enforcement action by DES, including the possibility of an administrative order, an administrative fine, or both.

*Letter of Deficiency #WELL 05-003
Landon Placey
February 8, 2005
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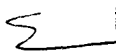
For your information, most water well companies hold both water well contractor and pump installer licenses. Therefore, you may only need to retain one contractor to inspect the complete well and pump system.

If you have any questions regarding this letter, please call Rick Schofield at 271-1974 or contact by e-mail at rschofield@des.state.nh.us.

Please send all correspondence made in connection with this letter as follows:

Richard Schofield
Department of Environmental Services
Water Supply Engineering Bureau
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Very truly yours,

 **COPY**
Sarah Pillsbury, Administrator
Water Supply Engineering Bureau

Certified Mail

cc: Water Well Board
Kerry Barnsley, DES Compliance Attorney

